

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

DIVISION THREE

VINCENT’S JEWELERS,)	No. ED102816
)	
Respondent,)	
)	Appeal from the Circuit Court of
vs.)	St. Louis County
)	14SL-MC16547
STATE OF MISSOURI,)	
)	Honorable Maura B. McShane
Defendant,)	
)	
and)	
)	
GOLDEN IMPRESSIONS, d/b/a,)	
CLARKSON JEWELERS,)	Filed: March 15, 2016
)	
Appellant.)	

Golden Impressions, d/b/a Clarkson Jewelers (“Clarkson”) appeals from the judgment of the trial court denying its petition to return a pair of Rolex watches that Vincent’s Jewelers (“Vincent’s”) bought from Joseph Perou the day after Perou had bought the watches from Clarkson with a bad check. Clarkson argues that Vincent’s acted as a “pawnbroker” under section 367.011(3) when it purchased the watches from Perou and, therefore, Vincent’s was obligated under section 367.044 to return the “misappropriated” watches. We find, however, that Vincent’s did not act as a pawnbroker and is under no obligation to return the watches to Clarkson.

AFFIRMED.

DIVISION THREE HOLDS: The trial court did not err in denying Clarkson’s motion to return the pair of Rolex watches because Vincent’s was not a “pawnbroker”—it did not agree to allow the redemption or repurchase of the watches for a fixed price within a fixed period of time. Instead, Vincent’s bought the watches from Perou outright and was free to resell them to anyone at any time. Further, Vincent’s is not entitled to an award of attorney’s fees.

Opinion by: James M. Dowd, J.
Robert M. Clayton III, P.J., Lawrence E. Mooney, J. concur

Attorney for Appellant: Matthew A. Jacober, Alicia M. Kerr
Attorney for Respondent: Kevin M. Leahy

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